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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/871,990

NOV 30 2006

Filing Date: May 31, 2001

Technology Center 2100

Appellant(s): FISHMAN, DANIEL

Robert M. Asher (Reg. No.: 30,445)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9-18-2006 appealing from the Office action
mailed 1-30-2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,339,795

Narurkar et al.

1-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-6, 8, 9, 11-16, 23, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narurkar.

9. With regard to claim 1, which teaches a method of transferring web-based information over a network to a personal information management system having calendar and contact data for a set of users, Narurkar teaches, in column 2, lines 10-14 and lines 22-28, a system in which data is transferred over the web to personal information management systems, where a PIM by definition contain appointment and address book information (Microsoft Computer Dictionary, 5th edition). With regard to claim 1, further teaching permitting a user to select the Web-based information on a Web page viewable in a Web browser, Narurkar teaches, in column 9, line 65 through column 10, line 5, in column 5, lines 58-67, and column 6, lines 16-28, a user selecting information for transfer via websites located on browsers. With regard to claim 1, further teaching using a toolbar associated with a web browser the tool bar having one or more selectable indicators of Web-based information type such type being selectable for a group including address and event, associated with the Web-based information so that the user can make an identification of the information type, Narurkar teaches, in

column 12, lines 18-40, allowing the user to specify the type of information (specify that data is for address book) via icons on the toolbar, and further teaching in column 3, lines 15-27 and column 9, lines 2-6, providing indication of the type, by a manual mapping. Narurkar further teaches, in column 12, line 60 through column 13, line 10, the toolbar having source and destination icons where the destination can be an application program, executed by a processing unit on a handheld device, and further in column 8, line 58 through column 9, line 6, the user highlighting text and data to be transferred based on selection of a destination icon on a toolbar, where destination is an application program, where as shown in column 9, lines 30-45 and in column 13, lines 11-25, both the source and destination have application programs with associated data types, from very different types of applications (see column 9, lines 30-45). With regard to claim 1, further teaching creating a transfer request that includes at least the set of web-based information and an address for a server associated with the personal information management system and in communication with the network, Narurkar teaches, in column 8, line 60 and in column 12, lines 50-66, a user highlighting a piece of data to be transferred, then selecting a destination icon on the toolbar, in which to transfer it to. With regard to claim 1, which further teaches sending the transfer request to the server, the server having access to the calendar and contact data for the set of users, Narurkar teaches, in column 11, lines 8-10 and lines 26-35, the request being sent through a server and that the server is aware of the 'forms' of the client (sample data). With regard to claim 1, further teaching storing the set of web-based information at the server, the set of web-based information associated with at least one user in the set of

users, in accordance with the type identification, Narurkar teaches, in column 2, lines 10-14, the transfer of data between disparate application programs and databases running on disparate computer platforms including desktop computers, hand held computers, and web servers, where the information to be transferred is selected by the user (see column 8, lines 60-67). Though Narurkar teaches the transferring of information to a specific application, he doesn't specifically state the "type" of application being specified as an address or an event. It would have been obvious to one of ordinary skill in the art, having the teachings of Narurkar to recognize that specifying of the destination application (of varying type) provides and indication of information type (such as a .doc for a Word document and .xls for a Excel document). One would have been motivated to make such a combination because Narurkar teaches the transferring of address based data (see column 12, line 30), and appointment data (as is in the standard PIM), and further the providing of a toolbar for the selection of a destination where the destination can be a specific client resident application (such as Word, Excel, Outlook (a date organizer), Organizer, any PIM or PDA, etc) (see column 8, line 60 through column 9, line 45).

10. With regard to claim 2, which teaches the transfer request being a hypertext transfer protocol request, Narurkar teaches, in column 3, lines 48-55, the transfer being between computers and web servers, where it is inherently known in the art that the standard World Wide Web protocol is http.

11. With regard to claim 3, which teaches the Web-based information being stored in a database in communication with the server, Narurkar teaches, in column 2, lines 10-14, the web base information being stored in databases.

12. With regard to claim 4, which teaches the network being the Internet, Narurkar teaches, in column 2, lines 47-50, the transmittal of forms over the Internet.

13. With regard to claim 5, which teaches the Web-based information being contact information and the set of web-based information being stored with the contact data for the at least one user, Narurkar teaches, in column 9, lines 29-35, the passed information including first name, last name, personal title, street address, city, state country, and zip code.

14. With regard to claim 6, which teaches the Web-based information being and event and the set of web-based information being stored with the contact data for the at least one user, Narurkar teaches, in column 21, lines 55-61, the determining if the pattern matching is using a date pattern (as would be used for a scheduled event).

15. With regard to claim 8, which teaches sending a response from the server to the web browser to indicate that the set of web-based information has been transferred to the personal information management system, Narurkar teaches, in column 9, line 55, that the system uses TCP/IP, which is known in the art to be a handshaking protocol that sends acknowledgements (ACKS) when data has been successfully received.

16. With regard to claim 9, which teaches web-based information being selected by a user by highlighting information displayed by the web browser, Narurkar teaches, in

column 8, line 60-66, the user transferring data by highlighting the select text and selecting the transfer icon.

17. With regard to claim 11, which teaches a system for transferring web-based information over a network to a personal information management system having calendar and contact data for a set of users, Narurkar teaches, in column 2, lines 10-14 and lines 22-28, a system in which data is transferred over the web to personal information management systems, which by definition contain appointment and address book information (Microsoft Computer Dictionary, 5th edition). With regard to claim 11, further teaching a process running on a server, in communication with a web browser, and permitting a user to select the Web-based information on a Web page viewable in a Web browser, Narurkar teaches, in column 9, line 65 through column 10, line 5, in column 5, lines 58-67, and column 6, lines 16-28, a user selecting information for transfer via websites located on browsers, where the data is provided by a server. With regard to claim 11, further teaching using a toolbar associated with a web browser the tool bar having one or more selectable indicators of Web-based information type such type being selectable for a group including address and event, associated with the Web-based information so that the user can make an identification of the information type, Narurkar teaches, in column 12, lines 18-40, allowing the user to specify the type of information (specify that data is for address book) via icons on the toolbar, and further teaching in column 3, lines 15-27 and column 9, lines 2-6, providing indication of the type, by a manual mapping. Narurkar further teaches, in column 12, line 60 through column 13, line 10, the toolbar having source and destination icons where the

destination can be an application program, executed by a processing unit on a handheld device, and further in column 8, line 58 through column 9, line 6, the user highlighting text and data to be transferred based on selection of a destination icon on a toolbar, where destination is an application program, where as shown in column 9, lines 30-45 and in column 13, lines 11-25, both the source and destination have application programs with associated data types from very different types of applications (see column 9, lines 30-45). With regard to claim 11, further teaching creating a transfer request including at least the set of web-based information selected by the user, the transfer request directing the set of web-based information to the PIM system based on the information type selected by the user, Narurkar teaches, in column 12, lines 60-66, the toolbar containing transfer destination icons, for selecting a transfer to a particular destination. With regard to claim 11, further teaching a process for sending the transfer request to the server, at least one server, coupled to the network, to receive the transfer request and store the set of web-based information, in a storage location associated with the user, Narurkar teaches, in column 2, lines 10-14, the transfer of data between disparate application programs and databases running on disparate computer platforms including desktop computers, hand held computers, and web servers, where the information to be transferred is selected by the user (see column 8, lines 60-67). Though Narurkar teaches the transferring of information to a specific application, he doesn't specifically state the "type" of application being specified as an address or an event. It would have been obvious to one of ordinary skill in the art, having the teachings of Narurkar to recognize that specifying of the destination application provides

and indication of information type (such as a .doc for a Word document and .xls for a Excel document). One would have been motivated to make such a combination because Narurkar teaches the transferring of address based data (see column 12, line 30), and appointment data (as is in the standard PIM), and further the providing of a toolbar for the selection of a destination where the destination can be a specific client resident application (such as Word, Excel, Outlook (a date organizer), Organizer, any PIM or PDA, etc) (see column 8, line 60 through column 9, line 45).

18. With regard to claim 12, which teaches the transfer request being a hypertext transfer protocol request, Narurkar teaches, in column 3, lines 48-55, the transfer being between computers and web servers, where it is inherently known in the art that the standard World Wide Web protocol is http.

19. With regard to claim 13, which teaches the Web-based information being stored in a database in communication with the server, Narurkar teaches, in column 2, lines 10-14, the web base information is stored in databases.

20. With regard to claim 14, which teaches the Web-based information being contact information and the set of web-based information being stored with the contact data for the at least one user, Narurkar teaches, in column 9, lines 29-35, the passed information including first name, last name, personal title, street address, city, state country, and zip code.

21. With regard to claim 15, which teaches the Web-based information being and event and the set of web-based information being stored with the contact data for the at

least one user, Narurkar teaches, in column 21, lines 55-61, the determining if the pattern matching is using a date pattern (as would be used for a scheduled event).

22. With regard to claim 16, which teaches web-based information being selected by highlighting information displayed by the web browser, Narurkar teaches, in column 8, line 60-66, the user transferring data by highlighting the select text and selecting the transfer icon.

23. With regard to claim 23, which teaches presenting a confirming indicator on the toolbar, the confirming indicator confirming transfer of web-based information to the PIMS, Narurkar teaches, in column 16, line 30 through column 17, line 26, a communication between the server and the client determining the status of the transfer, but doesn't specifically teach displaying the status in a toolbar. Narurkar does teach a browser (see column 9, line 65 through column 10, line 13), where browsers are known in the art to contain a status bar. It would have been obvious to one of ordinary skill in the art, having the teachings of Narurkar before him at the time the invention was made to modify the toolbar to contain status information. One would have been motivated to make such a combination because the standard web browser contains a status bar.

24. With regard to claim 33, which teaches the user-interaction with one of the selected indicators also initiates transfer of the Web-based information, Narurkar teaches, in column 8, lines 60-67 and column 12, line 60 through column 13, line 10, sending the information upon user selection of a destination icon on the toolbar.

(10) Response to Argument

Claims 1-6, 8, 9, 11-16, 23, and 33:

With respect to the arguments directed at the claims including independent Claims 1 and 11 the Appellant's arguments are focused on the limitations regarding selection of an information type. More specifically, as stated from representative Claim 1, the limitation argued is:

“...permitting the user to use a toolbar associated with the Web browser, the toolbar having a plurality of indicators for identifying an information type such type being selectable from a group including address and event, associated with the Web-based information so that the user can make an identification of the information type...”

Since the interpretation of the limitation is the basis for the arguments, the Examiner's interpretation is now given. The claim, as interpreted by the examiner, pertains to a selection by a user to define a category of data that is being selected . As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

“Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997).”

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the Narurkar reference are within the scope of these limitations.

Narurkar teaches, in column 2, lines 10-14 and lines 22-28, a system in which data is transferred over the web to personal information management systems, where a PIM by definition contain appointment and address book information (Microsoft Computer Dictionary, 5th edition). Narurkar teaches, in column 9, line 65 through column 10, line 5, in column 5, lines 58-67, and column 6, lines 16-28, a user selecting information for transfer via websites located on browsers. Narurkar teaches, in column 12, lines 18-40, allowing the user to specify the type of information (specify that data is for an address book) via icons on the toolbar, and further teaching in column 3, lines 15-27 and column 9, lines 2-6, providing indication of the type, by a manual mapping. Narurkar further teaches, in column 12, line 60 through column 13, line 10, the toolbar having source and destination icons where the destination can be an application program, executed by a processing unit on a handheld device, and further in column 8, line 58 through column 9, line 6, the user highlighting text and data to be transferred based on selection of a destination icon on a toolbar, where destination is an application program, where as shown in column 9, lines 30-45 and in column 13, lines 11-25, both the source and destination have application programs with associated data types, from very different types of applications (see column 9, lines 30-45). Narurkar teaches, in column 8, line 60 and in column 12, lines 50-66, a user highlighting a piece of data to be transferred, then selecting a destination icon on the toolbar, in which to transfer it to.

Narurkar teaches, in column 11, lines 8-10 and lines 26-35, the request being through a server and that the server is aware of the 'forms' of the client (sample data). Narurkar teaches, in column 2, lines 10-14, the transfer of data between disparate application programs and databases running on disparate computer platforms including desktop computers, hand held computers, and web servers, where the information to be transferred is selected by the user (see column 8, lines 60-67). Though Narurkar teaches the transferring of information to a specific application, he doesn't specifically state the "type" of application being specified as an address or an event. It would have been obvious to one of ordinary skill in the art, having the teachings of Narurkar to recognize that specifying of the destination application (of varying type) provides and indication of information type (such as a .doc for a Word document and .xls for a Excel document). One would have been motivated to make such a combination because Narurkar teaches the transferring of address based data (see column 12, line 30), and appointment data (as is in the standard PIM), and further the providing of a toolbar for the selection of a destination where the destination can be a specific client resident application (such as Word, Excel, Outlook (a date organizer), Organizer, any PIM or PDA, etc) (see column 8, line 60 through column 9, line 45).

A definition is presented below from the Microsoft Computer Dictionary, Fifth Edition, to further clarify both the reference and the claimed invention.

PIM *n.* Acronym of personal information manager. An application that usually includes an address book and organizes unrelated information, such as notes, appointments, and names, in a useful way.

The examiner will now address the individual arguments and statements made by Appellant.

From page 10 of the Appeal Brief, from the second paragraph, the Appellant argues that "In the claimed invention, the user makes an information type selection for information to be sent to a PIM. By contrast, Narurkar describes sending specifically address information and allowing the user to select a particular application from a group of multiple different application which will receive the information. In the Narurkar prior art, the user selects an application to which information is sent."

The examiner respectfully contends that Narurkar teaches, in column 12, lines 18-40, allowing the user to specify the type of information (specify that data is for address book or appointment data) via icons on the toolbar, and further teaching in column 3, lines 10-27 and in column 9, lines 2-6, providing indication of the type, by a manual mapping, from source data structure to destination data structure.

Narurkar further teaches the transferring of address based data (see column 12, line 30 and in Outlook™ specified in column 9, line 42), and appointment data (as is in the standard PIM and an Organizer like that in column 9, line 42), and further the providing of a toolbar for the selection of a destination types where the destination can

be a specific client resident application of varying types (such as Word™, Excel™, Outlook™ (a date organizer), Organizer, any PIM or PDA, etc) (see column 8, line 60 through column 9, line 45). It would have been obvious to one of ordinary skill in the art, having the teachings of Narurkar to recognize that specifying of the destination application provides and indication of information type (such as a .doc for a Word document and .xls for a Excel document).

From page 10 of the Appeal Brief, from the second paragraph, the Appellant argues that "The Narurkar prior art does not disclose or suggest the convenient toolbar offering the information type selection."

The examiner respectfully contends that Narurkar teaches, in column 12, lines 18-40, allowing the user to specify the type of information (specify that data is for address book or appointment data) via icons on the toolbar, and further teaching in column 3, lines 15-27 and in column 9, lines 2-6, providing indication of the type, by a manual mapping. Narurkar further teaches, in column 12, line 60 through column 13, line 10, the toolbar having source and destination icons where the destination can be an application program, executed by a processing unit on a handheld device, and further in column 8, line 58 through column 9, line 6, the user highlighting text and data to be transferred based on selection of a destination icon on a toolbar, where destination is an application program, where as shown in column 9, lines 30-45 and in column 13, lines 11-25, both the source and destination have application programs with associated data types.

From pages 10 and 11 of the Appeal Brief, from the third paragraph of page 10, the Appellant argues that "While the Examiner's statements are accurate as to a definition of a PIM, they are incomplete because they fail to characterize the narrow focus of the Narurkar reference. Narurkar explicitly states that: More specifically, the present invention relates to a user transparent process for exchanging and routing data representing postal address information between disparate data hosts.' Narurkar focuses solely on address (contact) functionality. Thus, Narurkar does not disclose and has no need for a user selection mechanism to distinguish between information types."

The examiner respectfully contends that user selection of a destination is required by the user to map the data to a proper destination, since Narurkar teaches requiring [1st] a user highlighting of data to be transferred and [2nd] selecting a destination icon, in order to transfer a block of data (see column 8, line 60 through column 9, line 5). This shows a need for a selection of a destination icon, where there are a plurality of different possible destination icons selectable to receive the exported data (see column 12, line 60 through column 13, line 10).

From page 11 of the Appeal Brief, from the second paragraph, the Appellant argues that "If in addition to selecting the destination application as taught by Narurkar, the user also had to select a type of information to transfer,

then the process as a whole would no longer be "user transparent" as Narurkar repeatedly insists."

The examiner respectfully contends that selection of a destination icon in Narurkar, is defining a type of information. Different application areas known for storing different types of data. Narurkar teaches the transferring of address based data (see column 12, line 30 and in Outlook™ specified in column 9, line 42), and appointment data (as is in the standard PIM and an Organizer like that in column 9, line 42), and further the providing of a toolbar for the selection of a destination types where the destination can be a specific client resident application of varying types (such as Word™, Excel™, Outlook™ (a date organizer), Organizer, any PIM or PDA, etc) (see column 8, line 60 through column 9, line 45). It would have been obvious to one of ordinary skill in the art, having the teachings of Narurkar to recognize that specifying of the destination application provides and indication of information type (such as a .doc for a Word document and .xls for a Excel document).

From pages 11 and 12 of the Appeal Brief, from the fourth paragraph of page 11, the Appellant argues that "The passage cited by the examiner, however, is from the Background and describes prior art, not Narurkar's solution. More, importantly, the mapping described is for structured data already associated with specific data fields in the source."

The examiner respectfully contends that it is what the information corresponds to in the destination that is important in this mapping, showing what type of file to map the

source data to. Though this passage is sited from the background, manual mapping to a destination is shown throughout Narurkar, specifically, Narurkar teaches requiring [1st] a user highlighting of data to be transferred and [2nd] selecting a destination icon, in order to transfer a block of data (see column 8, line 60 through column 9, line 5).

From page 12 of the Appeal Brief, from the third paragraph, the Appellant argues that "While Narurkar discloses a toolbar with icons, there is absolutely no disclosure of an information type selection mechanism."

The examiner respectfully contends that

Narurkar teaches that in order to transfer a block of data a user is required to [1st] highlight data to be transferred and [2nd] select a destination icon (see column 8, line 60 through column 9, line 5). This destination icon specifying a destination type, where the destination can be a specific client resident application of varying types (such as Word™, Excel™, Outlook™ (a date organizer), Organizer, any PIM or PDA, etc) (see column 8, line 60 through column 9, line 45). It would have been obvious to one of ordinary skill in the art, having the teachings of Narurkar to recognize that specifying of the destination application provides and indication of information type (such as a .doc for a Word document and .xls for a Excel document).

From page 13 of the Appeal Brief, from the first paragraph, the Appellant argues that "Selection of an application program, as described in Narurkar, does not identify information type."

The examiner respectfully contends that, as noted above, it would have been obvious to one of ordinary skill in the art, having the teachings of Narurkar to recognize that specifying of the destination application provides an indication of information type (such as a .doc for a Word document and .xls for an Excel document). Further more Narurkar teaches the more in-depth mapping of individual elements to other elements (see column 3, lines 10-27 and column 12, lines 28-33).

From page 13 of the Appeal Brief, from the second paragraph, the Appellant argues that "Narurkar fails to distinguish between address information and event information."

The examiner respectfully contends that as noted above Narurkar teaches the mapping of a source data element to a destination data element. Narurkar teaches the transferring of address based data (see column 12, line 30), and appointment data (as is in the standard PIM (see Microsoft Computer Dictionary definition). This drawing a distinction between different types of elements in mapping is further pointed out in column 3, lines 10-27, where Narurkar teaches assigning a correspondence between source data element and destination data element.

From page 13 of the Appeal Brief, from the fourth paragraph, the Appellant argues that "Claims 1 and 11 further contain limitations that make the

information type selection a condition to the creation of a transfer request. The claimed request is not made without the information type selection... No such requirement is present or disclosed in Narurkar."

The examiner respectfully contends that Narurkar teaches requiring [1st] a user highlighting of data to be transferred and [2nd] selecting a destination icon, in order to transfer a block of data (see column 8, line 60 through column 9, line 5).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

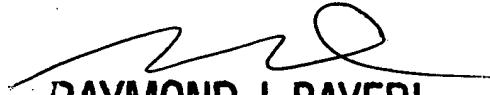
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:


Dennis G. Bonshock
November 14, 2006

Raymond J. Bayerl (conferee)
Primary Patent Examiner
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